

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.17644 of 2005

10-08-2005

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Between:

N.Sudhakar Reddy, s/o Venkatareddy, Occ: Conductor, aged about 40 years, Manchalapali (P), Nellore District.

... PETITIONER

AND

1.APSRTC, rep. By its Vice-Chairman and Managing Director,
Musheerabad, Hyderabad and another

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.17644 of 2005

ORDER:

This writ petition is filed aggrieved by the inaction of the respondent-Corporation in granting Special Grade Increment to the petitioner on completion of 12 years of service in the respondent-Corporation.

It is stated that the petitioner was appointed as a Conductor on 09.04.1987 and is continuing as such. It is the case of the petitioner that he was removed from service by an order dated 29.08.1996 on certain allegations of cash and ticket irregularities. The said removal was the subject matter of a dispute before the Labour Court in I.D.No.241 of 1997, which was allowed by an award dated 31.05.2001 setting aside the order of removal and directing the respondent-Corporation to reinstate the petitioner into service with continuity of service, but without backwages. Therefore, according to the petitioner, he is deemed to be in service continuously from the date of his regular appointment to till date. Hence, as soon as he completed the period of 12 years from the date of his regular appointment, he is entitled to the Special Grade Increment. But, the respondent-Corporation has not granted the said benefit in terms of Circular No.65/1989, dated 03.05.1989. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

The only grievance of the petitioner is that the Special Grade Increment to which he is entitled to on completion of 12 years of

service in the respondent-Corporation was not granted. Though the petitioner was removed from service by an order dated 29.08.1996, the said order was set aside by the Labour Court and the respondents were directed to reinstate him into service with continuity of service. In the circumstances, the petitioner is deemed to be in service even during the period in which he was out of service by virtue of the removal order dated 29.08.1996. Therefore, the respondent-Corporation is directed to compute the period of 12 years from the date of regular appointment of the petitioner; and on completion of said period of 12 years, to grant the Special Grade Increment to the petitioner by passing appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that the petitioner is entitled to all the consequential benefits as a result of grant of Special Grade Increment.

The writ petition is accordingly disposed of. No costs.

10.08.2005

VGB